

**Patrick K. McDonnell**

20 Rawson Place Staten Island, NY 10314  
Telephone: (718) 524-6312 Email: cdm@gmx.us

March 02, 2018

**FILED**  
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U.S. DISTRICT COURT E.D.N.Y.

★ MAR 05 2018 ★

**BROOKLYN OFFICE**

**By Certified Delivery**

The Honorable Jack B. Weinstein  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
East Brooklyn, New York 11201

***Re: Commodity Futures Trading Commission v. Patrick K. McDonnell and CabbageTech, Corp. d/b/a  
Coin Drop Markets, No. 18-CV-00361 (JBW) (RLM)***

Dear Judge Weinstein:

I have enclosed courtesy copies of the recent filing by Defendant Patrick K. McDonnell in the above-mentioned matter. Defendant will be arguing submitted Motions to Court directly examining/cross-examining Plaintiff(s)/Witness(s). Defendant believes Plaintiff "Proposed Preliminary Injunction Order" to be prematurely filed when Jurisdiction and/or Venue need to be determined by the Court.

Respectfully Submitted,



Defendant Pro Se

Cc: Court Clerk (USPS Overnight)  
David William Oakland (Certified Mail)  
Gates Salyers Hurand (Certified Mail)  
K. Brent Tomer (Certified Mail)  
Manal M. Sultan (Certified Mail)  
Christopher Giglio (Certified Mail)  
Alejandra de Urioste (Certified Mail)

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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COMMODITY FUTURES TRADING  
COMMISSION,

Plaintiff,

V.

PATRICK K. MCDONNELL,  
and CABBAGETECH, CORP. d/b/a/ COIN  
DROP MARKETS,

Defendants.

---

**NOTICE OF MOTION**

Case No. 18-CV-00361 (JBW) (RLM)

**FILED**  
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**PLEASE TAKE NOTICE** that Defendant Patrick K. McDonnell requests that the Court move to exclude Plaintiff Motion and/or Declaration with prejudice from any/all proceedings as "both" introduction's are inadmissible under the Federal Rules of Evidence for reason(s) stated below. Basis for Defendant Motion are set forth in the accompanying Memorandum.

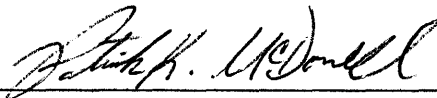
**Limit on Using the Evidence After 10 Years [pursuant to Rule 609 (b) Fed. R. EVID] and/or [pursuant to Rule 609 (a)(2) Fed. R. EVID] and/or Prohibited Uses. [pursuant to Rule 404 (a)(1) Fed. R. EVID] and/or Prohibited Uses. [pursuant to Rule 404 (b)(1) Fed. R. EVID]**

In support of this Motion, Defendant submits the following documents;

- ☒ letter to The Honorable Jack B. Weinstein
- ☒ defendant declaration
- ☒ memorandum of law

Respectfully Submitted,

March 02, 2018

  
\_\_\_\_\_  
Defendant Pro Se

Patrick K. McDonnell  
20 Rawson Place Staten Island, NY 10314  
Telephone: (718) 524-6312 Email: cdm@gmx.us



UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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COMMODITY FUTURES TRADING  
COMMISSION,

Plaintiff,

V.

PATRICK K. MCDONNELL,  
and CABBAGETECH, CORP. d/b/a/ COIN  
DROP MARKETS,

Defendants.

---

**DECLARATION IN SUPPORT  
OF MOTION TO EXCLUDE**

Case No. 18-CV-00361 (JBW) (RLM)

**DECLARATION**

In opposition of Plaintiff Motion and/or Declaration Defendant moves the Court exclude with prejudice citing:  
**Limit on Using the Evidence After 10 Years [pursuant to Rule 609 (b) Fed. R. EVID] and/or [pursuant to Rule 609 (a)(2) Fed. R. EVID] and/or Prohibited Uses. [pursuant to Rule 404 (a)(1) Fed. R. EVID] and/or Prohibited Uses. [pursuant to Rule 404 (b)(1) Fed. R. EVID]**

I, Patrick K. McDonnell, declare under penalty of perjury that the following facts and statements are true and correct:

Plaintiff deceptiveness in recent Court filings prove outright dishonesty and targeted slander by way of character assassination instead of wording in baseless Complaint. Defendant is seeking that the Court move to exclude with prejudice Plaintiff Motion and/or Declaration dated February 26, 2018 on the grounds "both" introduction's are inadmissible under the Federal Rules of Evidence.

Respectfully Submitted,

March 02, 2018

  
\_\_\_\_\_  
Defendant Pro Se

Patrick K. McDonnell  
20 Rawson Place Staten Island, NY 10314  
Telephone: (718) 524-6312 Email: cdm@gmx.us

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

---

COMMODITY FUTURES TRADING  
COMMISSION,

Plaintiff,

V.

PATRICK K. MCDONNELL,  
and CABBAGETECH, CORP. d/b/a/ COIN  
DROP MARKETS,

Defendants.

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**MEMORANDUM OF LAW IN SUPPORT OF MOTION TO  
EXCLUDE: LIMIT ON USING THE EVIDENCE AFTER 10  
YEARS [PURSUANT TO RULE 609 (B) FED. R. EVID] AND/OR  
[PURSUANT TO RULE 609 (A)(2) FED. R. EVID] AND/OR  
PROHIBITED USES. [PURSUANT TO RULE 404 (A)(1) FED R.  
EVID] AND/OR PROHIBITED USES. [PURSUANT TO RULE  
404 (B)(1) FED. R. EVID]**

Case No. 18-CV-00361 (JBW) (RLM)

**MEMORANDUM OF LAW**

**MAY IT PLEASE THE COURT:**

Defendant respectfully submits this Memorandum to set forth basis the Court should move to exclude Plaintiff Motion and/or Declaration dated February 26, 2018 styled as, "NOTICE OF EVIDENCE OF PRIOR CRIMINAL CONVICTION PURSUANT TO FED. R. EVID 609 (b)(2)" and/or "DECLARATION OF CHRISTOPHER GIGLIO PURSUANT 28 U.S.C. SUBSECTION 1746" from any/all proceedings as "both" introduction's are inadmissible under the Federal Rules of Evidence.

**FEDERAL RULES OF EVIDENCE**

Limit on Using the Evidence After 10 Years [pursuant to Rule 609 (b) Fed. R. EVID] and/or [pursuant to Rule 609 (a)(2) Fed. R. EVID] and/or Prohibited Uses. [pursuant to Rule 404 (a)(1) Fed. R. EVID] and/or Prohibited Uses. [pursuant to Rule 404 (b)(1) Fed. R. EVID]

**INTRODUCTION.**

For unknown reason outside of obvious political agenda Plaintiff has ignited a 'rumor-based' war on Defendant's reputation that bears 'no' factual evidence. To birth a biased environment of imbalanced evidence over facts, Plaintiff by prejudice presentation denies Defendant due process and/or the opportunity to a fair trial. Defendant's conviction dates back approximately 15 years to 2003 and 'does not' constitute current character or characteristics. Defendant has not had even a parking ticket since completion.

**LEGAL ARGUMENT**

Plaintiff attempt to connect the dots of Defendant's character circa 2003 through 2018 is merely '*basic deductive reasoning*' over '*bonafide factual evidence*'. Plaintiff Complaint serves as a figment of the Commissions' suspicious consciousness and nature vs logical reason or truthful conclusions. Defendant opposes Plaintiff Motion and/or Declaration moving the Court to exclude "both" inadmissible introduction's from any/all proceedings with prejudice on the grounds;

**Ground 1: Pursuant to Rule 609 (b) Fed. R. EVID; Limit on Using the Evidence After 10 Years.**

Plaintiff Motion and/or Declaration are inadmissible introduction's under the Federal Rules of Evidence. Defendant was

convicted in 2003 well exceeding [Rule 609 (b) Fed. R. EVID] 10 year limit. Rule 609 (b) Fed. R. EVID applies if more than 10 years have passed since Defendant conviction or release from confinement for it, whichever is less.

**Ground 2: Pursuant to Rule 609 (a)(2) Fed. R. EVID;** Evidence of all other convictions is inadmissible under this subsection irrespective of whether the Defendant exhibited dishonesty or made a false statement in the process of the commission of the crime of conviction.

**Ground 3: Pursuant to Rule 404 (a)(1) Fed. R. EVID; Prohibited Uses.** Evidence of a person's character or character trait is not admissible to prove that on a particular occasion the person acted in accordance with the character or trait.

**Ground 4: Pursuant to Rule 404 (b)(1) Fed. R. EVID; Prohibited Uses.** Evidence of a crime, wrong, or other act is not admissible to prove a person's character in order to show that on a particular occasion the person acted in accordance with the character.

**Ground 5: Plaintiff use of Rule 609 (b)(2) is not sufficient ground to further impeach Defendant's character.** Plaintiff filed Motion and/or Declaration are not only slander but considered inadmissible evidence under the Federal Rules of Evidence.

**Ground 6: Quoting; United States vs Jackson [405 F. Supp. at 42]** "a prior conviction could not be offered simply to show that Defendant has a "bad" character and therefore probably is guilty of the present charge. Id. (citing Rule 404 (b) Fed. R. EVID, prohibiting the introduction of specific acts evidence merely to show conduct "in conformity there-with".)"

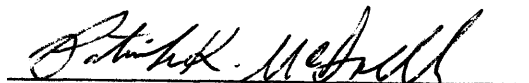
## CONCLUSION

Defendant concludes Plaintiff Motion and/or Declaration prohibited introduction's as per the aforementioned grounds. Defendant further concludes Plaintiff is attempting to sway judgement via character assassination instead of wording in baseless Complaint.

Defendant moves the Court to exclude with prejudice Plaintiff Motion and/or Declaration dated February 26, 2018 styled as, "NOTICE OF EVIDENCE OF PRIOR CRIMINAL CONVICTION PURSUANT TO FED. R. EVID 609 (b)(2)" and/or "DECLARATION OF CHRISTOPHER GIGLIO PURSUANT 28 U.S.C. SUBSECTION 1746" from any/all proceedings as "both" introduction's are inadmissible under the Federal Rules of Evidence.

Respectfully Submitted,

March 02, 2018

  
Defendant Pro Se

Patrick K. McDonnell  
20 Rawson Place Staten Island, NY 10314  
Telephone: (718) 524-6312 Email: cdm@gmx.us

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

\_\_\_\_\_ X

COMMODITY FUTURES TRADING COMMISSION,

Plaintiff,

Affirmation of Service

-against-

PATRICK K. MCDONNELL, and CABBAGETECH,  
CORP. d/b/a COIN DROP MARKETS,

18 CV00361 ( JBW )

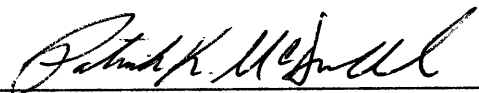
Defendant.

\_\_\_\_\_ X

I, PATRICK K. MCDONNELL , declare under penalty of perjury that I have  
served a copy of the attached MOTION TO EXCLUDE AND ACCOMPANYING DOCUMENTATION  
upon COMMODITY FUTURES TRADING COMMISSION AND 'ALL' PLAINTIFF PARTIES  
whose address is: 140 BROADWAY, 9TH FLOOR NEW YORK, NY 10005

Dated: 3/2/18

Staten Island , New York

  
\_\_\_\_\_  
Signature

20 Rawson Place, Unit B  
\_\_\_\_\_  
Address

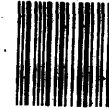
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STATEN ISLAND, NY 10314

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